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The "principles of fundamental justice"

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require that criminal offences that have sentences involving prison must have a mens rea element. [1] For many cases, however, an objective standard of negligence has been acceptable where the elements included a proof of a "marked departure from the standard of care that a reasonable person would take in the circumstances".

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state more definitely that they should be determined on the principles of reformation and not of vindictive justice; and those of two others (Montana and Wyoming) declare that the proper principles are those of reformation and prevention.

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